

## Judiciary - Superior Court

	FY 2011 ACTUAL	FY 2012 ESTIMATE	FY 2013 BASELINE
<b>SPECIAL LINE ITEMS</b>			
<i>Full Time Equivalent Positions</i>	136.5	136.5	136.5
Judges Compensation	7,337,300	7,390,200	7,390,200
Adult Standard Probation	13,459,100	13,521,500	13,521,500
Adult Intensive Probation	10,723,400	10,737,700	10,737,700
Community Punishment	1,432,000	2,307,900	2,307,900
Interstate Compact	639,800	641,800	641,800
Drug Court	1,013,600	1,013,600	1,013,600
Probation Surcharge	3,487,700	5,028,900	5,028,900
Juvenile Standard Probation	4,862,500	4,598,700	4,598,700
Juvenile Intensive Probation	8,759,700	9,163,000	9,163,000
Juvenile Treatment Services	18,205,300	22,311,400	22,311,400
Juvenile Family Counseling	656,400	660,400	660,400
Juvenile Diversion Consequences	8,371,000	9,024,900	9,024,900
Juvenile Crime Reduction	3,023,800	5,123,400	5,123,400
Special Water Master	20,000	20,000	20,000
<b>AGENCY TOTAL</b>	<b>81,991,600</b>	<b>91,543,400<sup>1/</sup></b>	<b>91,543,400</b>
<b>FUND SOURCES</b>			
General Fund	74,048,100	79,083,200	79,083,200
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	3,955,800	6,931,300	6,931,300
Drug Treatment and Education Fund	500,000	500,000	500,000
Judicial Collection Enhancement Fund	3,487,700	5,028,900	5,028,900
SUBTOTAL - Other Appropriated Funds	7,943,500	12,460,200	12,460,200
<b>SUBTOTAL - Appropriated Funds</b>	<b>81,991,600</b>	<b>91,543,400</b>	<b>91,543,400</b>
Other Non-Appropriated Funds	5,042,500	5,577,400	5,577,400
Federal Funds	2,551,800	2,103,300	2,103,300
<b>TOTAL - ALL SOURCES</b>	<b>89,585,900</b>	<b>99,224,100</b>	<b>99,224,100</b>

**AGENCY DESCRIPTION** — The Superior Court, which has a division in every county, is the state's only general jurisdiction court. Superior Court judges hear all types of cases except small claims, minor offenses, or violations of city codes and ordinances. In addition, the responsibility for supervising adults and juveniles who have been placed on probation resides in the Superior Court.

### Judges Compensation

The Baseline includes \$7,390,200 and 81 FTE Positions from the General Fund in FY 2013 for Judges Compensation. These amounts are unchanged from FY 2012.

This line item provides funding for the state's 50% share of the salary and Employee Related Expenditures of Superior Court judges. A.R.S. § 12-128 requires the state General Fund to pay for one-half of Superior Court Judges' salaries, except for Maricopa judges. Maricopa County is now responsible for 100% of the salary and Employee Related Expenditures of Maricopa County

Superior Court Judges. The FTE count has been adjusted accordingly.

### Probation Programs

The state and non-Maricopa Counties share the costs of adult probation. For the intensive programs, the state pays 100% of the costs (although the counties may provide offices and other support services). For the standard programs and treatment services, the state predominantly pays for the cost of additional probation officers. Counties typically contribute through Probation Service Fee collections, outside grants, and office space. Since

<sup>1/</sup> In addition to these amounts, a total of \$358,300 GF and \$17,100 OF is appropriated in FY 2012 for costs associated with an additional pay period.

FY 2004, Maricopa County has assumed the state's share of its adult probation costs.

#### ***Adult Standard Probation***

The Baseline includes \$13,521,500 and 9.6 FTE Positions from the General Fund in FY 2013 for Adult Standard Probation. These amounts are unchanged from FY 2012.

*Background* – This line item provides funding for community supervision services for adults placed on standard probation by the Adult Division of the Superior Court. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 12-251A, an adult probation officer shall not supervise more than 65 adults on standard probation at one time. In funding caseload growth, this ratio is adjusted downward by 2% because of the distances officers in rural counties must travel to supervise probationers.

#### ***Adult Intensive Probation***

The Baseline includes \$10,737,700 and 7.8 FTE Positions from the General Fund in FY 2013 for Adult Intensive Probation. These amounts are unchanged from FY 2012.

*Background* – This line item provides funding for a sentencing alternative intended to divert serious, non-violent offenders from prison. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 13-916, 1 team shall not supervise more than 25 intensive probationers at one time. In funding caseload growth, this ratio is adjusted downward by 5% because of the distances officers in rural counties must travel to supervise probationers.

#### ***Community Punishment***

The Baseline includes \$2,307,900 and a 0.9 FTE Positions in FY 2013 for Community Punishment. These amounts consist of:

	<b><u>FY 2013</u></b>
Criminal Justice Enhancement Fund (CJEF)	\$1,807,900
Drug Treatment and Education Fund (DTEF)	500,000

These amounts are unchanged from FY 2012.

This line item provides behavioral treatment services for adult probationers and for enhanced supervision, such as electronic monitoring and specialized probation caseloads. The funding is intended to provide for diversion of offenders from prison and jail, as well as to enhance probation programs, excluding Maricopa County.

#### ***Interstate Compact***

The Baseline includes \$641,800 and 4.8 FTE Positions from the General Fund in FY 2013 for Interstate Compact. These amounts are unchanged from FY 2012.

This line item provides funding for supervision and intervention to probationers transferring to Arizona and monitors the supervision of probationers transferred to other states from Arizona.

#### ***Drug Court***

The Baseline includes \$1,013,600 from the General Fund in FY 2013 for Drug Court programs. This amount is unchanged from FY 2012.

This line item provides funding for juvenile and adult drug courts within the Superior Court throughout the state. It provides funding for prosecuting, adjudicating and treating drug-dependent offenders. Superior Court divisions in 12 counties have implemented or are planning the implementation of drug courts. These programs utilize drug education, intensive therapy, parent support, case management, socialization alternatives, aftercare and compliance monitoring for drug abstinence.

#### ***Probation Surcharge***

The Baseline includes \$5,028,900 and a 0.8 FTE Positions from the Judicial Collection Enhancement Fund (JCEF) in FY 2013 for the Probation Surcharge. These amounts are unchanged from FY 2012.

This line item consists of monies collected from a \$20 surcharge applied to various criminal offenses, civil traffic violations, and game and fish statute violations throughout the state. Monies collected from the surcharge (excluding those collected in courts located within Maricopa County) are deposited into the JCEF and redistributed by the Administrative Office of the Courts (AOC) to all counties to supplement funding for the salaries of probation and surveillance officers and for the support of programs and services of the Superior Court adult and juvenile probation departments.

#### ***Juvenile Standard Probation***

The Baseline includes \$4,598,700 and 3.6 FTE Positions from the General Fund in FY 2013 for Juvenile Standard Probation. These amounts are unchanged from FY 2012.

*Background* – This line item provides funding for community supervision services for juveniles placed on standard probation by the Juvenile Division of the Superior Court. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 8-203B, a juvenile probation officer shall not supervise more than an average of 35

juveniles on standard probation at one time. In funding caseload growth, this ratio is adjusted downward by 5% because of the distances officers in rural communities must travel to supervise probationers.

#### ***Juvenile Intensive Probation***

The Baseline includes \$9,163,000 and 5.4 FTE Positions from the General Fund in FY 2013 for Juvenile Intensive Probation. These amounts are unchanged from FY 2012.

*Background* – This line item provides funding for a sentencing alternative to divert serious, non-violent juvenile offenders from incarceration or residential care and to provide intensive supervision for high-risk offenders already on probation. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 8-353B, 1 JIPS team shall not supervise more than an average of 25 juveniles on intensive probation at one time. In funding caseload growth, this ratio is adjusted downward by 5% because of the distances officers in rural communities must travel to supervise probationers.

#### ***Juvenile Treatment Services***

The Baseline includes \$22,311,400 and 15.6 FTE Positions from the General Fund in FY 2013 for Juvenile Treatment Services. These amounts are unchanged from FY 2012.

This line item provides funding to the juvenile courts to meet the requirements of A.R.S. § 8-230.01 and A.R.S. § 8-230.02, relating to the assignment of youths referred for delinquency or incorrigibility to treatment programs, residential treatment centers, counseling, shelter care and other programs.

#### ***Juvenile Family Counseling***

The Baseline includes \$660,400 from the General Fund in FY 2013 for Juvenile Family Counseling. This amount is unchanged from FY 2012.

This line item provides funding to the Juvenile Division of the Superior Court for prevention of delinquency among juvenile offenders by strengthening family relationships. These monies are predominantly for non-adjudicated juveniles and their families and require a 25% county match.

#### ***Juvenile Diversion Consequences***

The Baseline includes \$9,024,900 from the General Fund in FY 2013 for Juvenile Diversion Consequences. This amount is unchanged from FY 2012.

This program diverts youth from formal court proceedings in order to reduce court costs and prevent re-offending. A juvenile diversion probation officer assigns consequences for the juvenile to complete, such as substance abuse education, graffiti abatement, counseling, or other

community service programs. In FY 2011, there were approximately 17,054 juveniles diverted from formal court proceedings. Monies in this line item are distributed to all counties.

#### ***Juvenile Crime Reduction***

The Baseline includes \$5,123,400 and 7 FTE Positions from CJEF in FY 2013 for Juvenile Crime Reduction. These amounts are unchanged from FY 2012.

This line item provides funding for the design and implementation of community-based strategies for reducing juvenile crime. Strategies include prevention, early intervention, effective intermediate sanctions, and rehabilitation. Through a grant process, AOC distributes monies in this line item to approximately 26 public and private entities.

#### ***Special Water Master***

The Baseline includes \$20,000 from the General Fund in FY 2013 for the Special Water Master line item. This amount is unchanged from FY 2012.

This line item provides funding for the Special Water Master assigned by the court in 1990 to the Little Colorado River water rights adjudication. The adjudication of water rights for the Little Colorado River was petitioned in 1978. In FY 2011, 546 individuals, communities, governments, and companies filed about 500 water rights claims. The Special Water Master conducts hearings for each claimant and makes recommendations to a Superior Court judge.

Pursuant to statute, the costs of the Water Master are funded from claimant fees. If claimant fees are insufficient, statute requires the state General Fund to pay for these expenses in a Special Line Item within the Superior Court budget.

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**FORMAT** — Special Line Items by Agency

#### **FOOTNOTES**

##### *Standard Footnotes*

Of the 136.5 FTE Positions, 81 FTE Positions represent Superior Court judges in counties with a population of less than 2,000,000 persons. One-half of their salaries are provided by state General Fund appropriations pursuant to A.R.S. § 12-128. This is not meant to limit the counties' ability to add judges pursuant to A.R.S. § 12-121.

Up to 4.6% of the amounts appropriated for Juvenile Probation Services - Treatment Services and Juvenile Diversion Consequences may be retained and expended by the Supreme Court to administer the programs established by A.R.S. § 8-322, and to conduct evaluations as needed. The remaining portion of the Treatment Services and Juvenile Diversion Consequences programs shall be

deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-322.

Receipt of state probation monies by the counties is contingent on the county maintenance of FY 2004 expenditure levels for each probation program. State probation monies are not intended to supplant county dollars for probation programs.

By November 1, 2012, the Administrative Office of the Courts shall report to the Joint Legislative Budget Committee the FY 2012 actual, FY 2013 estimated and FY 2014 requested amounts for the following:

1. On a county-by-county basis, the number of authorized and filled case carrying probation positions and non-case carrying positions, distinguishing between Adult Standard, Adult Intensive, Juvenile Standard and Juvenile Intensive. The report shall indicate the level of state probation funding, other state funding, county funding and probation surcharge funding for those positions.

2. Total receipts and expenditures by county and fund source for the Adult Standard, Adult Intensive, Juvenile Standard and Juvenile Intensive line items, including the amount of Personal Services expended from each revenue source of each account.
3. The amount of monies from the Adult Standard, Adult Intensive, Juvenile Standard and Juvenile Intensive line items that the office does not distribute as direct aid to counties. The report shall delineate how the office expends these monies that are not distributed as direct aid to counties.

## STATUTORY CHANGES

The Baseline would, as session law, continue the FY 2012 suspension of county non-supplanting requirements associated with funding for probation services, criminal case processing, and alternative dispute resolution programs and requires the counties to report on reductions in county funding as a result of the elimination of the non-supplanting provisions.

SUMMARY OF FUNDS	FY 2011 Actual	FY 2012 Estimate
<b>Community Punishment Program Fines Fund (SPA2119/A.R.S. § 13-821)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Discretionary fines imposed by the courts on drug offenders.		
<b>Purpose of Fund:</b> To provide drug treatment services to adult probationers through the Community Punishment Program.		
<b>Funds Expended</b>	9,500	100,000
<b>Year-End Fund Balance</b>	192,500	131,500
<b>Criminal Justice Enhancement Fund (SPA2075/A.R.S. § 41-2401)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> Includes allocations of the Criminal Justice Enhancement Fund (CJEF). CJEF consists of a 47% penalty assessment on fines, violations, forfeitures, and penalties imposed by the courts for criminal offenses and civil motor vehicle statute violations.		
<b>Purpose of Fund:</b> 9.35% of CJEF monies allocated to the courts are used to reduce juvenile crime, 6.02% is used to enhance the court's ability to process criminal and delinquency cases and salaries of Superior Court judges, and 2.13% is used to provide drug treatment services to adult probationers. The portions of the fund dedicated to juvenile crime reduction and drug treatment are included in the Superior Court's budget, while the case processing portion is part of the Supreme Court's budget.		
<b>Funds Expended</b>	3,955,800	6,931,300
<b>Year-End Fund Balance</b>	2,416,900	1,152,200
<b>Drug and Gang Enforcement Account (SPA2074/A.R.S. § 41-2402)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Federal grant monies passed through the Arizona Criminal Justice Commission's Drug and Gang Enforcement Account.		
<b>Purpose of Fund:</b> To fund programs that enhance the ability of the courts to process drug offenses and related cases.		
<b>Funds Expended</b>	2,551,800	2,103,300
<b>Year-End Fund Balance</b>	0	0
<b>Drug Treatment and Education Fund (SPA2277/A.R.S. § 13-901.02)</b>		<b>Partially-Appropriated</b>
<b>Source of Revenue:</b> The fund receives 7% of tax revenue collected on spirituous liquors and 18% of tax revenue collected on vinous and malt liquor. Of this amount, 50% is allocated to this fund and 50% is allocated to the Arizona Parents Commission on Drug Education and Prevention.		
<b>Purpose of Fund:</b> To place persons in drug education and treatment programs. Such monies are allocated to Superior Court probation departments according to a formula based on probation caseloads.		
<b>Appropriated Funds Expended</b>	500,000	500,000
<b>Non-Appropriated Funds Expended</b>	3,386,400	3,784,800
<b>Year-End Fund Balance</b>	1,807,200	1,521,700

SUMMARY OF FUNDS	FY 2011 Actual	FY 2012 Estimate
<b>Grants and Special Revenue (SPA2084/A.R.S. § 35-142)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Monies provided from various sources, private and public, for specific programs and projects.		
<b>Purpose of Fund:</b> To expend grants as required by the contribution.		
<b>Funds Expended</b>	1,635,000	1,677,600
<b>Year-End Fund Balance*</b>	(53,900)	0
<b>Judicial Collection Enhancement Fund (SPA2246/A.R.S. § 12-113)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> Electronic case filing and access fees; 27.78% of Supreme Court fees, 17.07% of Superior Court fees, 19.42% of Court of Appeals fees, 19.18% of Municipal Court fees, and 14.02% to 15.58% of Justice of the Peace fees; time payment fees assessed for late court payments; fees paid for court-ordered diversion programs, and a \$20 probation surcharge on fines, penalties, and forfeitures imposed by the courts for criminal offenses and civil motor vehicle statute violations. <i>(See Supreme Court for information regarding non-Maricopa Counties.)</i>		
<b>Purpose of Fund:</b> To train court personnel, improve and enhance the court's ability to collect and manage monies assessed or received by the court, to fund court automation projects likely to improve case processing or the administration of justice, and for probation services. Funds represented here reflect the amount shifted from the Supreme Court budget to the Superior Court budget for probation officer salaries and programs.		
<b>Funds Expended</b>	3,487,700	5,028,900
<b>Year-End Fund Balance</b>	3,374,600	3,083,200
<b>Juvenile Probation Services Fund (SPA2193/A.R.S. § 8-322)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Monies appropriated to Juvenile Probation Services - Treatment Services and Juvenile Diversion Consequences and allocated by the Administrative Office of the Courts.		
<b>Purpose of Fund:</b> To fund programs for juvenile probationers required as conditions of diversion. These programs are intended to reduce the number of repetitive juvenile offenders and provide services, including treatment, testing, independent living programs, residential foster and shelter care, and for juveniles referred to the juvenile court for incorrigibility or delinquency offenses. Expenditures from this fund are not displayed to avoid double counting General Fund monies.		
<b>Funds Expended</b>	0	0
<b>Year-End Fund Balance</b>	8,767,300	6,852,800
<b>State Aid to Detention Fund (SPA2141/A.R.S. § 41-2417)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Monies appropriated by the Legislature.		
<b>Purpose of Fund:</b> To provide state assistance to counties in maintaining, expanding, and operating juvenile detention centers. On behalf of the juvenile court, the Administrative Office of the Courts may use monies in the fund to enter into agreements with public agencies or private entities to acquire land for, build, purchase, lease-purchase, lease, maintain, expand, or operate juvenile detention centers.		
<b>Funds Expended</b>	11,600	15,000
<b>Year-End Fund Balance</b>	29,900	15,000

\* As reported by the agency. Actual ending balance will not be negative.